

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

21-CV-6323(CJS)

\$8,040.00 UNITED STATES CURRENCY,

Defendant.

**NOTICE OF MOTION AND MOTION FOR DEFAULT JUDGMENT
AND ORDER OF FORFEITURE**

The United States of America, by its attorney, James P. Kennedy, Jr., United States Attorney for the Western District of New York, Grace M. Carducci, Assistant United States Attorney, of counsel, respectfully moves this Court pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure for an Order of Default Judgment and Order of Forfeiture against the defendant \$8,040 United States Currency. In support thereof, the plaintiff offers the attached affidavit of Grace M. Carducci, Assistant United States Attorney and exhibits, as well as all prior pleadings and proceedings held in this matter.

PLEASE TAKE NOTICE that the United States will bring the above motion on a date, time, and place to be scheduled by the Court, before the Honorable Charles J. Siragusa, United States District Judge, in the United States District Court, 100 State Street, Rochester, New York 14614.

DATED: September 3, 2021, at Rochester, New York.

JAMES P. KENNEDY, JR.
United States Attorney
Western District of New York

BY:

GRACE M. CARDUCCI
Assistant United States Attorney
United States Attorney's Office
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IN THE UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,

-v-

21-CV-6323(CJS)

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Defendant.

**AFFIDAVIT IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT
AND ORDER OF FORFEITURE**

State of New York)
County of Monroe) ss:
City of Rochester)

GRACE M. CARDUCCI, being duly sworn, deposes and says:

1. I am an Assistant United States Attorney in the office of James P. Kennedy, Jr., United States Attorney for the Western District of New York, and the attorney for the plaintiff in the above-entitled action. This affidavit is submitted in support of the plaintiff's request for an Order of Default Judgment and Order of Forfeiture against the defendant \$8,040.00 United States Currency pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure.

2. This action was commenced on April 16, 2021, by the filing of a Verified Complaint for Forfeiture against \$8,040.00 United States Currency (hereinafter the

"defendant currency"), pursuant to Title 21, United States Code, Section 881(a)(6). A copy of the Verified Complaint for Forfeiture is attached hereto as Exhibit "A".

3. An Arrest Warrant in rem was issued by the Clerk of the Court on April 19, 2021. The defendant currency remains in the custody of the United States Marshals Service.

4. On June 14, 2021, a copy of the Verified Complaint, the Arrest Warrant in rem, and Direct Notice of Forfeiture Action were sent via FedEx to Cristal Starling, at 466 ½ West Main Street, Rochester, New York 14608. A copy of the Certificate of Service is attached hereto as Exhibit "B".

5. Public notice of this action was posted on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days beginning on July 20, 2021. Such publication has been completed as set forth in the Declaration of Publication previously filed with the Court on August 20, 2021, a copy of which is attached hereto as Exhibit "C".

6. The time for any potential claimants to file a verified claim and answer in this action has expired pursuant to the deadlines set forth in the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions and, to date, neither a claim nor an answer have been filed with respect to the defendant currency.

7. On August 20, 2021, the plaintiff filed with the Clerk of the Court a request for entry of default, wherein, in accordance with Rule 55(a) of the Federal Rules of Civil Procedure, the plaintiff requested the issuance of a certificate of entry of default against the defendant currency and interested parties for failure to plead or otherwise claim as provided by the Federal Rules of Civil Procedure and the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

8. On August 24, 2021, the Clerk of the Court filed an Entry of Default in this action. Pursuant to Rule 55(b) of the Local Rules, a copy of the Entry of Default is attached as Exhibit "D".

9. To the best of your affiant's knowledge, putative claimant, Cristal Starling is not in the military service of the United States, within the meaning of the Soldier's and Sailor's Civil Relief Act.

WHEREFORE, it is hereby requested that the Court enter a default judgment against the defendant \$8,040 United States Currency, in accordance with Rule 55(b)(2) of the Federal Rules of Civil Procedure and enter an Order of Forfeiture pursuant to Title 21, United States Code, Section 881(a)(6).

Grace M. Carducci
Grace M. Carducci
Assistant United States Attorney

Subscribed and sworn to
before me this 3rd day of September, 2021.

Anna M. Sedor

ANNA M. SEDOR
Notary Public, State of New York
Monroe County
Commission Expires Oct. 31, 2025